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Worldwide Report

LAW OF THE SEA

No. 152



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POLISH TRAWLER RESEARCHES NEW ZEALAND FISHING GROUNDS

Auckland THE NEW ZEALAND HERALD in English 20 Mar 81 p 3

[Text] The big 2374-tonne Polish stern trawler Profesor Bogucki berthed at Auckland yesterday with an impressive \$500,000 "out of season" catch.

Filleted and frozen below her decks are several hundred tonnes of orange roughie.

The catch is snow white delicious evidence that New Zealand has a new deep-water fishery over the Chatham Rise that can be fished all year round.

The trawler has taken over some of the commercial research which was being done by the West German trawler Wesermunde.

Greater Depths

The Wesermunde found a big resource of orange roughie in winter months over the Chatham Rise, but it was thought there would be no catches in summer.

Whereas the Wesermunde only fished down to about 300 metres the Profesor Bogucki went out in the summer, tried her luck at depths between 1000 and 2000 metres and struck the orange roughie.

"We are the first to find there is orange roughie there in December, January and February," her master, Captain Kazimierz Kopanski, said.

This is the second catch for the Polish trawler this season. The first was sold almost as soon as it was caught for \$500,000 for just over 300 tonnes of filleted fish.

Captain Kopanski said the roughie can be found elsewhere in the New Zealand zone and just outside it. But it will take further research, up until the end of the year, to establish the financial viability of the first New Zealand joint venture with Poland.

The quality of the fish is first class, prices are excellent, but operating costs are daunting.

The joint venture company, Polmark Fisheries, brought the trawler to Auckland for a complete crew change. It will cost \$200,000 to fly out and send home 80 crew members.

The Polmark operations manager, Dr Lester Bartoszewicz, said: "We also have to cover the dead fishing time bringing the boat out from Poland."

When the Profesor Bogucki is out over the fishing ground no time is wasted. She

operates with two big trawl nets, processing fish from one while the other is towed along the seabed.

Latest

Working at depths of over 1000 metres it can take over half an hour to bring in the cod end with all the fish.

She makes an average of four or five tows a day round the clock, each tow lasting about four hours and she can process up to 45 tonnes of fish a day.

Her fish-processing deck has some of the latest equipment afloat and has been designed for deep filleting orange roughie.

The New Zealand companies R. and W. Heilaby and Mauri Bros and Thomson are partners with Polish interests in the venture.

NEW ZEALANDERS RAP SOVIET JOINT VENTURE FISHING PACTS

Price Undercutting Charged

Auckland THE NEW ZEALAND HERALD in English 26 Mar 81 p 4

[Text]

New Zealand fishermen stand to lose a 20,000-tonne export order to Egypt, because Soviet Union joint venture boats have tendered for the market at rock bottom prices.

Local fishermen are irate over the issue because it has shown a major loophole in foreign joint venture agreements.

Foreign boats can export part of their catches in competition with local companies, which may be processing part of the same catches for export to the same destination.

'Throw-away'

The New Zealand fishing industry decided to tender for a 2000-tonne trial shipment to Egypt after an Egyptian trade delegation visited this country a few weeks ago and expressed interest in buying up to 20,000 tonnes of fish a year.

The president of the Fish Exporters' Association, Mr R.

Harrison, said yesterday the local exporters found they were undercut by Soviet-caught New Zealand fish which had been processed in Singapore and was being marketed through Sweden.

The Russians were offering the New Zealand fish at between 18c and 20c a kilogram, which Mr Harrison described as a 'throw-away' price which added only half value in terms of earning overseas exchange.

Want Change

The best price the New Zealand exporters could offer was 100 per cent higher.

There was nothing to stop the Soviet boats doing this, said Mr Harrison, as they

were only obliged to process 15 per cent of their catches in New Zealand and could do what they liked with the rest.

The exporters have already approached the Government on the issue to see if any changes can be made to the joint venture agreements.

Local exporters believe the New Zealand partners in joint ventures should have a say regarding the marketing of the entire catches.

Agreement Terms Changeable

Auckland THE NEW ZEALAND HERALD in English 28 Mar 81 p 5

[Text]

New Zealand can change the terms of joint-venture fishing agreements if it sees the need.

Local fishermen are concerned at conditions which allow New Zealand fish caught by Russians to be exported as cheap competition with local catches.

The Ministry of Agriculture and Fisheries is to review joint-venture agreements in March next year, when the present conditions expire.

Two Kinds

But a spokesman for the ministry said the Minister of Agriculture and Fisheries, Mr MacIntyre, had the right to make changes at any time if special circumstances warranted it.

There are two kinds of joint venture. In one, local companies can charter foreign boats, but the local companies have control over the marketing of all the catches. In the other, separate companies are formed with the shareholding split

between the local company and its overseas partner.

It is the latter arrangement which concerns some sections of the local fishing industry because the local companies involved have only a limited say in the marketing of catches.

Under this type of arrangement the foreign partner provides the fishing boats and crews and is obliged only to process about 15 per cent of the total catches in New Zealand.

Freedom

The foreign partner is then free to do what it likes with the rest of the catch.

Local fish exporters are expected to press for a change so that the local partner has complete control over the sale of catches.

NEW ZEALAND-SOUTH KOREA JOINT FISHING VENTURE ENDED

Christchurch THE PRESS in English 30 Mar 81 p 10

[Text]

PA Wellington outside creditors who had not been paid.

A joint New Zealand-South Korea fishing venture is being voluntarily wound up after poor catches and heavy losses.

The company, Bing Harris Samhwa New Zealand Ltd, was launched in 1979 to catch squid and wetfish, and was the only joint venture whose boats fished in local waters all year round.

Catches, however, were disappointingly low, and operating and processing costs high. About April last year the two Korean vessels left New Zealand and did not return.

It has now been decided voluntarily to wind up the company. The liquidator, Mr Michael Morris, a Wellington chartered accountant, said there was no question of

Company spokesmen for Bing Harris, the Wellington-based partner in the company, were not available for comment.

Sources indicated, however, that Bing Harris did not suffer any losses from the venture. Heavy losses were incurred by the Korean companies, Samhwa Company, Ltd, and Daewang Fishing Company, Ltd.

Bing Harris is believed to be disappointed with the outcome of the venture, but regards it as a useful experience in its drive to expand and diversify.

The company was unlikely to take part in other joint-venture fishing schemes under the present circumstances, according to the sources.

CS0: 5200

AUSTRALIA

BRIEFS

BASS STRAIT EXPLORATION--Four oil and gas exploration areas in Bass Strait have attracted keen interest from both Australian and international companies. Nineteen consortiums have made a total of 30 separate applications for permits for the areas, which border the current Bass Strait production fields. The Victorian Premier, Mr Hamer, said that applications had come from most major international oil companies as well as many well-known Australian companies. They included groups involved in mining, manufacturing, property development and transport. The Victorian Minerals and Energy Department is now processing the applications in conjunction with the Federal Department of National Development and Energy. Decisions on the permits are expected to be made and gazetted within four months and the Government hopes exploration work would then get under way quickly. [Text] [Perth THE WEST AUSTRALIAN in English 21 Mar 81 p 51]

CSO: 5200

INDIA

BRIEFS

TAIWANESE TRAWLERS SEIZED--New Delhi, March 25. Eighty Taiwanese trawlers were apprehended by the Coast Guard and naval vessels in the Arabian Sea between January 27 and March 15 this year, the Lok Sabha was informed today. The crew members of the trawlers would be prosecuted in a court of law, Mr. Shivraj Patil, Minister of State of Defence said in a written reply.--PTI. [Text] [Madras THE HINDU in English 26 Mar 81 p 7]

CSO: 5200

MANDATORY ANTIPOLLUTANT GEAR FOR OIL TANKERS WEIGHED

Auckland THE NEW ZEALAND HERALD in English 12 Mar 81 p 2

[Text]

Marine Reporter

Whangarei

The Harbours Association is considering whether all coastal tankers should be made to carry anti-pollutant gear to mop up oil spills.

Many association delegates felt that all tankers should have this equipment but it was pointed out that only local craft could be forced to comply by law.

While the spirit of the Bay of Plenty remit was widely supported, many other delegates felt it would be impractical to apply. The remit was referred to the Harbours Association executive for more consideration and a report.

The discharge of waste, particularly sewage, from foreign fishing boats is also causing concern and will be given more consideration.

The Nelson Harbour Board wants the Harbours Association to draw up draft legislation allowing local ports the authority to ensure that all large craft have sewage holding tanks in future.

The Ministry of Transport representative, Mr J. J. Beckett, said that once the international marine pollution convention of 1973 was ratified it would become compulsory for all large craft to have holding tanks.

CS0: 5200

EDITORIAL SAYS INDUSTRIALIZED COUNTRIES RESIST LAW OF SEA

PA301942 Lima EXPRESO in Spanish 21 Mar 81 p 14

[Editorial: "Marine Seabeds: World Patrimony"]

[Text] The reluctance of industrialized countries--capitalist and socialist--to sign the international convention of the law of the sea, whose third conference is being held in New York, is threatening the joint efforts of most countries, especially the developing ones.

The obstruction we refer to is headed mainly by the United States whose new administration, as has been reported, is not yet resolved to sign an agreement which awards the international community with the exploitation of resources located in the so-called "marine seabeds," allegedly rich in minerals and petroleum.

As it can be recalled, the United Nations has declared the marine and ocean seabeds that are beyond national waters "common patrimony of mankind." Therefore, it is based on this precept, aimed at promoting the use of seabeds by the entire international community, that the present convention is intended to become an international authority as an exclusive entity that administers and grants concessions to states, firms or individuals for the exploitation of marine resources.

These original and bold criteria not only include the creation of this international authority--unique in its kind--but also the possibility of the creation of an international enterprise directly in charge of exploitation tasks for the direct benefit of the international community.

However, vested interests that influence large companies in industrialized countries which already have the technology and the necessary resources to proceed, for their exclusive benefit, with the exploitation of the marine wealth, are unfortunately exerting pressure on their governments, particularly in the case of Washington, leading them to adopt a position that is negative and disregards the new international order.

CSO: 5200

NEW U.S. ADMINISTRATION CRITICIZED FOR LAW OF SEA STANCE

Montevideo LA MANANA in Spanish 11 Mar 81 p 6

[Editorial] by Rubek Orlando: "Sea Rights: Mr Reagan Makes Waves"

[Text] The new Republican administration in the White House is threatening to frustrate the hopes that at the end of this year, or the beginning of next year, the final draft of the new code of the Law of the Sea could be signed in Caracas. This new code has been drafted in a conference in which 142 nations took part. This "mammoth" conference has been the longest-running and the most important of all the conferences that have been held under the auspices of the United Nations, in "an effort of unprecedented magnitude in the history of international relations."

The conference, which opened in 1973, has brought together industrialized nations and developing nations, coastal and landlocked nations, island, archipelago, and continental nations, shipping and nonshipping nations, nations which fish in their own waters and those which fish in far distant waters, great powers with specific strategic interests and medium and small powers with different expectations which are hard to reconcile in the field of communications, defense, and food supply, the conservation and development of living resources, scientific research, and the formidable mineral reserves found in the seabed.

Operating under a semi-official text drawn up just for the negotiations (TION) which combines the four documents provided by the commissions which have worked at the conference, the conclave, meeting once again in New York, had hoped to conclude the final accords so that this informal document could be made official, and then to move toward the final phase of its adoption as a restrictive agreement which, in addition to updating some pre-existing standards on the law of the sea, will include regulations that our times have made essential.

'Stop!' Says the United States

At this point, however, alleging that a more careful study of the primary stipulations had revealed "serious problems" which forced President Reagan to review everything that has been done, spokesmen from the State Department have reported that the Secretary of State, Alexander Haig, has instructed George Aldrich, the U.S. delegate to the conference, to prevent the conclusion of any definitive agreement at the negotiations now in progress.

This unexpected attitude on the part of the United States has revived the debate on two key points which have occupied the conference, since in fact, the unilateral spread of the "exclusive economic areas" out to 200 miles starting from the coast lines has placed this figure in international law as it is now practiced. One of the key points is the extension, possibly out to 12 miles, of the territorial sea; centuries ago this was set by the great powers at 3 miles, the scope of the naval artillery of the era. The other point concerns the exploitation of the vast natural resources in the sea, from these "exclusive economic areas." There are, as is well known, in the seabed plentiful reserves of minerals, concentrated primarily in nodules or "sea potatoes," consisting of phosphorite and mainly manganese or multi-mineral deposits. These are easy to extract and have a high concentration of iron, cobalt, nickel, lead, aluminum, copper, and other ores, which in some cases could supply the world's needs for up to 400,000 years. The cubic reserves of petroleum in marine areas already make up 20 percent of the entire world's known reserves, and in the southern seas of the Antarctic region, there are at least 90 million tons of krill, a small crustacean which may become a major protein source for the entire world.

Resolution 2749 of the United Nations General Assembly declared that the international area of the seabeds and their subsoil beyond the limits of national jurisdiction, and the resources of that area, are the common patrimony of all humanity.

The declaration advocates the creation of a specialized agency which, acting in the name of the international community, will handle the research, prospecting, exploitation, and preservation of these resources, and which will distribute its earnings to its members on an equal basis, in order "to promote the maximum development of economies and to raise the standard of living of less developed peoples." But the idea of an "International Authority for the Seabeds" is too threatening to the great powers which already have sufficient capital and technology to undertake right now, and for themselves alone, an intensive exploitation of these resources. And even though the idea was reluctantly accepted in the end, there is still a heated debate going on about the composition of such an agency and about its decision-making procedures.

This decision by the U.S. Government now threatens to put back on the agenda for further discussions points that had seemed to be resolved, or issues for which some principles of agreement had been reached.

The urgent need for a new world regulatory system covering the law of the sea is not being questioned. But there can be no agreement to coercion; we can not yield to egotistical and wrong demands as the price that has to be paid to reach an agreement on this code.

The days are long past in which disagreements in international relations were invariably settled to the benefit of the rich and powerful.

In its political philosophy, the agreement now being negotiated is attempting to bring to an end a legal system whose historic roots were unequivocally oligarchical.

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CSO: 5200

URUGUAY

DELEGATION HEAD CHARGES MULTINATIONALS MAKE MARITIME ACCORD DIFFICULT

Montevideo LA MANANA in Spanish 12 Mar 81 p 6

[Interview with Dr Julio C. Lupinacci, head of the Uruguayan delegation to the Law of the Sea Conference, on 11 March 1981; place not given]

[Text] The head of the Uruguayan delegation to the Law of the Sea Conference being held in New York, Dr Julio C. Lupinacci, yesterday pointed to the major multinationals as those responsible for applying pressure to give them greater opportunities for private exploitation of marine resources before a multilateral treaty establishes meaningful quotas for the participation of all humanity, particularly for the developing nations. The discussion with Doctor Lupinacci follows.

Question: Doctor, how do you evaluate the course of the 10th period of sessions so far?

Answer: As you know, the sessions began on Monday under the impact of two events which caused surprise and concern. One of these was the absence of the president of the conference because of the death of that official, and the other is the change in attitude on the part of the United States about the form of administration of maritime resources. The earlier periods of sessions had culminated with almost all the points already negotiated, so it was being taken for granted that an agreement could be ratified in this session.

Now, unexpectedly and by means of a method that was in no way appropriate--since it revealed its position by a simple press release--the United States is calling for reconsideration of a number of the issues that we had considered settled. It is holding out, especially on the administration of marine resources. We feel that these are the patrimony of all humanity and not of a single nation. The idea is to form a common world fund for the distribution of resources, in which all nations can share. But now, with

this request for restudy--which does not mean that in the end Washington will not approve the negotiated points--the United States is trying to gain time, possibly to provide greater opportunities for a rapid exploitation of these resources. So it is clear that the work of this period of sessions will not be able to conclude as had been expected.

Question: What is the reason for this desire to gain time?

Answer: It is reasonable for a new administration with new people and different ideas to want to review these issues and develop its own strategy, especially on such a sensitive issue, even though this might mean breaking commitments made by the previous administration. But it is also undeniable that Mr Reagan is being influenced by powerful private interests which have enough money to exploit these marine resources fully and immediately, and they want the opportunity and time to operate.

Question: Who are these interests?

Answer: The multinational companies. By delaying the work of the conference, they will have the time they need to exploit the marine resources in a way contrary to what the conference would stipulate. I repeat that the Law of the Sea will tend to consider the needs of humanity as a whole and in an equitable manner, not by parcelling out the seas into national portions.

Question: What will the attitude of the Latin American bloc be?

Answer: The Latin American bloc, whose chairmanship I had the honor to hold, but which is now held by my colleague from Ecuador, met all yesterday morning and afternoon and analyzed all these points. To answer your question, I must insist first of all that the United States has not yet announced its position in an official manner. This afternoon we were ready to listen to them at the general commission session and to find out what we had to deal with. We have to see how the United States will make its proposals in order to determine how we will act. But it seems that something important is going on because we have now learned that the U.S. Government has called for the resignation of all the main people in the U.S. delegation to the conference. In any event, as I have already said, the attitude of the Latin American bloc can only be a strong defense of the developing countries and of their right to marine resources. Our idea is to prevent these resources from becoming the exclusive property of a small group of superpowers.

Question: Was there any question about the principle of the 200-mile sovereignty limit?

Answer: None at all. That point has already been discussed and approved. Washington made no objection to this issue. It is only holding out on the administration of marine resources.

Question: What happened about the problem of the absence of the president?

Answer: Well, that is another reason for concern, because the lack of a president does disrupt the work of the conference. There is now a temporary acting vice president, who is Algerian. But we have to fill the vacancy. As the former president came from the Asian group, there is agreement about allowing the Asian bloc to propose a new candidate for the presidency of the conference.

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BRIEFS

SUDANESE-SAUDI RED SEA MINING--Khartoum, 23 Mar (SUNA)--Saudi Oil Minister Ahmed Zaki Yamani yesterday concluded a one-day visit to Sudan and left for home. Dr Yamani and Sudanese Energy and Mining Minister Shareef El Tuhami Saturday evening cochaired a meeting of the Sudanese-Saudi Authority for the Utilization of the Red Sea Resources. The meeting reviewed the Authority's technical achievements during the previous year, according to Energy and Mining Under-Secretary Yousuf Suleiman. Suleiman said a number of minerals were discovered in the Red Sea and that the Authority had devised methods for their extraction. These minerals include copper, zinc and silver and once their volume is estimated, experimental mining would begin, he said. The Authority has approved a medium-range programme for the coming five years and has also endorsed the current year's budget, he added. Suleiman said the Authority is very much concerned with intensive training of engineers and technicians from both countries. He said the next meeting would be held in January 1982 in Jeddah. During his stay in Khartoum, Dr Yamani was awarded an honorary doctorate by the University of Khartoum. [Khartoum SUNA DAILY BULLETIN 23 Mar 81 p 1]

CSO: 5200

GREENLAND GOVERNMENT LEADER BLASTS EC OVER SHRIMP QUOTAS

Godthaab GRØNLANDSPOSTEN in Danish 12 Feb 81 p 3

[Text] The sole reason why the Greenland shrimp got into a scrape in the EC fisheries negotiations is that West Germany has been insisting that the Greenland waters do not belong to Greenland but to the EC.

That is the way the EC law works, and the result was that, during the latest round of fisheries negotiations, a Norwegian shrimp quota of 1,000 tons off West Greenland was introduced.

The Greenland government accepted this demand out of regard for the Danish fishing industry which thereby would be permitted to fish off Norway. But Greenland, in no way, accepted a corresponding reduction in the Greenland shrimp fishing.

On the contrary, the Greenland government has been insisting on a Greenland shrimp quota of 27,000 tons, and, as is well-known, licenses to the extent of that quota have already been granted.

The decisive question, therefore, has been whether an agreement could be reached to raise the total shrimp quota off Greenland.

The quota today is 29,500 tons of shrimp off West Greenland.

Biologists

The quota of a total of 29,500 tons of shrimp has been arrived at on the basis of a calculation by biologists according to which a catch of between 27,000 and 32,000 tons would be warranted from a biological point of view. The 29,500 tons are right in between, and it was decided that Greenland was to get the 27,000 tons, while Canada would get the remaining 2,500 tons.

The Greenland government was able to allocate licenses for the 27,000 tons of shrimp with a clear conscience since this quota was fixed in a proposal from the EC Commission before Christmas. According to EC rules, such a proposal shall have a binding effect pending the final decision.

"And we cannot wait for the EC to find out what it wants to do," Lars Emil Johansen, a Greenland government member, tells GRØNLANDSPOSTEN.

After the Norway agreement on 1,000 tons of additional shrimp, the original figures no longer apply, and Greenland has insisted that the total shrimp quota be raised in consequence.

"We shall be fishing 27,000 tons of shrimp this year, and that is not for distribution," Lars Emil Johansen told GRØNLANDSPOSTEN immediately prior to his departure for the hitherto latest round in the EC fishery discussions.

International Declaration

Greenland takes its stand, among other things, on the existence of an international regulation, the so-called Hague Declaration of 1973, according to which coastal states shall have a prior claim to their own fishing.

According to the Hague Declaration, coastal states shall everywhere have a first claim to fish the quantities of fish off their coasts for which the countries concerned have fishing fleets.

"In our opinion, the EC cannot bypass this declaration just like that," says Lars Emil Johansen. "And Greenland today has a shrimp fleet which can easily fish 27,000 tons. For that reason, we find that there should be no discussion, as far as Greenland's own shrimp fishing is concerned.

GRØNLANDSPOSTEN: But according to the EC laws, the Greenland waters are EC waters?

"Yes, that is the opinion of the EC. But that is also one of the main reasons why Greenland must get out of the EC at the earliest possible opportunity," Lars Emil Johansen concluded.

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INTERNATIONAL AFFAIRS

GREENLAND PARTIALLY SATISFIED WITH EC QUOTA PACT

Godthaab GRØNLANDSPOSTEN in Danish 19 Feb 81 p 8

[Text] After 3 days of nearly uninterrupted negotiations between the EC ministers of fisheries in Brussels, the EC is still without a joint fishery policy. But as far as Greenland is concerned, the situation is getting brighter. Lars Emil Johansen, a member of the Greenland government, who participated in the negotiations in Brussels, has returned with a result which ensures Greenland fishermen 27,000 tons of shrimp, 50,000 tons of cod and 1,270 tons of salmon, all of it in the waters off West Greenland.

"Considering the circumstances, there is reason to be satisfied," Lars Emil Johansen tells GRØNLANDSPOSTEN.

Two Essential Advantages

"In the first place, we have got the unanimous support of the Council of Ministers to a change in the salmon quota from 1,190 to 1,270 tons as of the start of season on 25 August instead of 10 August. We prevented the adoption of a Canadian demand for an increase in the mesh size, which would have cost the fishermen millions of kroner."

"In the second place, it must be regarded as an absolutely satisfactory result that we have secured 27,000 tons of shrimp for our fishermen off West Greenland. That corresponds to the capacity of our fishing fleet. This result was reached because the total quota was increased to 30,000 tons, which increase we proposed as early as in November of 1980. This leaves room for 1,000 tons of shrimp for Norway, 1,000 tons for Denmark, 400 tons for France and probably 600 tons for the Faroe Islands. The biologists consider a total shrimp quota off West Greenland of 27,000-32,000 tons justifiable."

Germans to Get Another 2,000 Tons of Cod

Another result of the meeting was that West Germany will be permitted to fish an additional 2,000 tons of cod off East Greenland by 10 March, so that the total cod catch--including extra catches--will be 5,000 tons for West German fishermen. "Also this lies within the limits of what is warrantable from a biological point of view," says Lars Emil Johansen.

He adds that the question of shrimp fishing off East Greenland has not yet been decided completely. It is definite that Norway will get 3,000 tons, and the Faroe Islands will probably get 1,200 tons. In addition to this, Lars Emil Johansen says that there may also be an experimental quota for Greenland shrimp fishing off East Greenland.

Another Brávalla Battle in March

On 9 and 10 March, there will be another Brávalla battle in Brussels as a last attempt at reaching an agreement on a joint fishery policy for this year. Two major problems are rising ahead: A struggle between France and Great Britain on access to fishing within the two countries' 12-mile limits, and the EC agreement with Canada which has not yet been fully negotiated.

The latter problem may have consequences to Greenland. The EC draft agreement with Canada, for example, provides the possibility for West Germany to fish 10,000-15,000 tons of cod off Canada.

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CSO: 5200

PROFESSOR CRITICIZES SIZE OF EXCLUSIVE ECONOMIC ZONE

Rotterdam NRC HANDELSBLAD in Dutch 28 Mar 81 p 17

[Report on interview with International Law Expert Professor Verwey from Groningen by Editor W.H. Weenink: "The New Law of the Sea Treaty: 'Heritage of Mankind Loses Out.'"]

[Text] The draft for a new Law of the Sea treaty, which is currently being discussed by 150 countries in the United Nations headquarters in New York, is primarily seen as the result of a successful North-South dialogue. And that is extraordinary, of course, after the many unsuccessful discussions between industrial and developing countries in the past few years. Moreover, the so-called new international economic order, aimed at decreasing the prosperity gap between poor and rich countries, is said to have made some progress with it. One of the points of departure of the treaty is indeed that the mineral riches of the ocean floor form a "joint heritage of mankind."

The Groningen professor of international law, Professor W.B. Verwey, who in 1978 succeeded Professor Roling, finds this euphoria misplaced, however. In his opinion the negotiations of the past 7 years have resulted in a considerable loss of the practical significance of this joint heritage, especially to the disadvantage of the least developed countries.

Verwey bases his somber vision in particular on the recognition in the treaty of the "exclusive economic zone" (EEZ), the sea territory which extends to a distance of 200 miles from the coast and in which the coastal state can execute sovereign rights over all (living and mineral) riches:

One Quarter

"This EEZ, which takes up one quarter of the oceans, has over 96 percent of all fish and an estimated 87.5 percent of all oil in the ocean floor. These riches thus fall under national jurisdiction (legal authority) now. And if you look at the division of the EEZ over the entire world, then it turns out that, on the average, the rich countries benefit much more by it than do the developing countries. The 28 developed coastal states will get a total EEZ which is greater than the total EEZ of the roughly 130 developing countries. Of the 11 largest to profit in the EEZ area there are 7 developed countries, and the developing countries which fall under it (such as Mexico and Brazil) are not among the least-developed."

Verwey stresses the fact that 10 countries are going to get 53 percent of all the exclusive economic zones and that among those 10 there are 6 rich countries. Only 1 developing country (Indonesia) is included in the 7 countries which will get an EEZ of over 1 million square miles of ocean. The countries with the biggest EEZ are (in this order) the United States, Australia, Indonesia, New Zealand, Canada, the Soviet Union and Japan. On the other hand, he says, of the 22 developing countries which appear on all the emergency lists of the United Nations (such as the list of least-developed countries and countries with the greatest food shortage), not one belongs to the top 10, not one to the top 25, and only two belong to the top 50 countries with EEZ's. "In general, the greatest part of the prosperity originating from the EEZ goes to the developed countries," says Verwey.

Question: Thus one might expect the plan of plotting out an EEZ to have emanated from the rich countries. It is notable, however, that it was launched by the Third World -- which, mark well, has the new international economic order in its program as a high-priority political objective. How is that possible?

[Answer] "The whole idea of the EEZ first arose from the striving of developing countries for better opportunities for their own fishing industries. Coastal states in Latin America, Africa and Asia saw that the fishing fleets of a number of rich countries -- amongst others the Soviet Union, Japan, Norway and Denmark -- cleared out the richest fishing grounds before their coasts. One was of the opinion that the only way to counter this was the expansion of their national legal authority over continually greater territories of the ocean before their coasts.

"Later, at the beginning of the seventies, consideration was also given to the claiming of mineral reserves for oneself in the coastal territory. At that time, however, there was not yet a very clear idea as to the consequences of the general recognition of the EEZ. The developing countries in any event did not realize at that time that in general the developed countries would benefit more by it."

Latin America

[Question] Why didn't the developing countries recant when they found out that primarily the rich countries would benefit?

[Answer] "Latin America got the matter going. A number of Latin American countries have a lot of oil off the coast and especially also a great amount of fish. Latin America has done everything in its power to make this expansion of the national legal power over the ocean -- which for Latin America as a whole would come out quite positively -- into a Third World cause. And it was precisely Africa, which as a continent did not fare too well because the EEZ of Africa is not very rich in oil and fish, that under Kenya's leadership gave in to the desire of Latin America and made the recognition of the EEZ into a Third World cause. And once on that track, only the achieving of this result was concentrated on and gradually -- in spite of the protests of geographically disadvantaged countries -- the idea of Third World solidarity was completely lost from sight. Indeed, by accepting the EEZ as it is regulated now, the interests of the developing countries which are completely surrounded by land and those of other geographically disadvantaged states have been completely obscured."

Deep Sea

[Question] Although we have talked only about that EEZ, isn't there a very large area that will indeed serve as the heritage of mankind, namely the deep-sea territory which falls outside of that zone? Doesn't that yield anything for the poor countries?

[Answer] "In that deep sea a number of minerals do indeed occur of which supplies on land are gradually being exhausted -- such as copper, tin, manganese and cobalt. It is a matter of an estimated 1000 billion tons of "manganese nodules," little balls of the size of a potato which are spread over the ocean floor, growing annually by around 6 million tons through deposition from seawater and containing considerable amounts of manganese, iron, cobalt, copper, nickel and lead. The nickel and copper present in these nodules represent an estimated value of 3,000 billion dollars. But that is not an immediately useful economic value. Oil, on the other hand, which occurs primarily in the EEZ, is indeed directly exploitable and of immediate importance for the community. It is a matter of a quantity which, at a current daily use of 27 million barrels, could supply the world for another 230 years or so, and the value of it is said to be around 44,600 billion dollars at present. And the big balance-of-payment problems of most of the developing countries, especially of the least endowed, do not primarily accrue from the import of nickel, copper, cobalt and manganese, but primarily from the expensive oil."

Drop

But there is more. Verwey points out that in a 1976 report of the United Nations it was calculated that the "Enterprise," the public-law body which is to exploit the deep sea floor for the "International Seabed Authority," likewise created in the treaty on the law of the sea, can earn only 150 million dollars 7 years after the start of the activities. Then, if you add the 150 million dollars which the national states and enterprises are to hand in as a percentage of the profit they make in exploiting the ocean territories allotted to them by concession, in the late eighties only around 300 million dollars will remain for the international community. "And that is nothing, a mere drop in the bucket," sighs Verwey.

[Question] And considering that the Americans now are urging a more liberal regime in the exploitation of the deep sea floor for industry?

[Answer] The Americans want to retract the regulation established in the draft treaty for the exploitation of the deep sea and in fact return to the old Grotian idea of freedom of the sea. That means that everyone can make use of it equally. And in a world of highly developed and less-developed countries, of the financially capable and those financially less capable, that means that he who comes first will be served first. If the matter is indeed retracted, the joint heritage of mankind to the extent it still exists -- thus the manganese nodules -- will disappear completely. For then the wealth will be exploited by a few developed countries and everyone else is out in the cold."

Peace

[Question] You also brought up the objection against the draft treaty that it doesn't promote peace. Why not?

[Answer] "The expected general recognition of the exclusive economic zone together with the expansion of the judicial continental shelf (to 350 miles from the coast) and the defective regulation for plotting out the EEZ's and the continental shelves of coastal states opposite or bordering each other, and moreover the regulation that each island has its EEZ, have already led to claims being made for areas of the ocean floor which before had never been made as well as to a run on the islands.

"Just look at what is happening in the South China Sea, for example. China, Taiwan, the Philippines and Vietnam have started to make claims on islands which earlier on didn't interest a dog. That is happening primarily because that sea is rich both in fish and oil. These countries have started to construct military bases on the Paracel- and Spratly islands. There have already been a few incidents of skirmishes and some deaths have already occurred. I fear that these types of situations will be repeated to an increasing extent, also elsewhere in the world. Therefore I think that it would have been much better to let the joint heritage start where the territorial sea stops (12 miles from the coast) and definitely not to recognize an EEZ with an exorbitant width of 200 miles."

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